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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/480,883

Filing Date: January 10, 2000

Appellant(s): ALLAN ET AL.

Oleg F. Kaplun
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 29, 2008 appealing from the Office action mailed July 31, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,739,512	Tognazzini	04-14-1998
EP 474 360 A2	Francini	03-11-1992
5,915,022	Robinson et al.	06-22-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38-41, 45-50, 52 and 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini, in view of Francini (EU 0474 360 A2), and further in view of Robinson.

Tognazzini discloses a method with the steps of receiving a transaction record, the transaction record corresponding to a consumer (via a customer digital receipt), storing the transaction record in a transaction database (via digital delivery of customer receipt to a user's electronic mail box and/or a user's smart card for later retrieval; or via credit card company retaining receipt in a database) which includes a plurality of transaction record (since smart cards store a wide variety of information in digital format; col. 1, lines 48-55; col. 3, lines 4-8), providing access by a user computer to the transaction record in the transaction database (col. 2, lines 63-65), wherein the

transaction database restrict access by the user to the transaction records corresponding to role defined by the user (since it is configured to retrieve receipt information from an electronic mail box having an electronic mail address to the corresponding customer; col. 6, lines 35-39; see also col. 2, lines 34-37; via using an electronic mail address and the traveler's public encryption key stored in a database), and allowing the user to search the transaction records relevant to the user (col. 3, lines 15-20). Tognazzini further discloses the step of providing an image of the transaction record to the user (as illustrated in Figure 4), forwarding a copy of the transaction record to a merchant involved in the transaction (via sending to the electronic mail box of the person who prepares the travel voucher such as a merchant or agent, a copy of the receipt). Tognazzini further discloses providing access by a plurality of users to the transaction database (via receipt information retaining in a database), where the role is one of a merchant (col. 3, lines 9-38), where the merchant includes access to the transaction database that is restricted to viewing the transaction records relevant to the plurality of users (via providing electronic copy of receipt to merchant (col. 5, lines 12-15). Tognazzini further discloses the step of the transaction database restricting access by the merchant to the transaction records corresponding to the merchant (via retrieving receipt information from an electronic mail box having an electronic mail address of the corresponding merchant). Tognazzini further discloses compiling the transaction records relevant to the user into a bill, wherein the bill is a summary of the transaction records (via utilized to formulate an expense report; col. 6, lines 61-65). Tognazzini further discloses the role of the consumer includes access to the transaction database

that is restricted to viewing the transaction records relevant only to the consumer (via the electronic receipt may be sent to the customer as well as to whomever prepares his or her travel vouchers. The electronic copy of the receipt may be in an electronic data interchange format.)

Although Tognazzini discloses transaction record are retained in a database for re-transmission, for audit or historical purposes, however, Tognazzini fails to explicitly disclose electronically captured signature from the point of sale and sending transaction record based on request made by the user.

Francini discloses the concept of validating transaction employing electronic receipt having means for electronically capturing data, supplied by the customer including electronically capturing customer signature using a combination of a CRT and light pen (col. 2, lines 28-37). Francini further discloses cardholder disputing a bill on his statement and contact the issuer. From this teaching of Francini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generation of digital receipt of Tognazzini to include the electronically captured signature taught by Francini in order to facilitate validation of transaction record.

However, the Tognazzini and Francini combination fails to explicitly disclose restricting the access to corresponding role by defined user, at least two of the users having different roles; the transaction record is accessible to a plurality of users and the access including initiating an action using the user computer related to a transaction. The Tognazzini and Francini combination also fails to disclose explicitly the step of including one of correcting a transaction, canceling a portion of the transaction,

repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction.

Robinson discloses restricting the access to corresponding role by defined user, at least two of the users having different roles (merchant uses its own secret/public-key cryptographic system so that no other party may re-encrypt an altered version of the transaction record. See col. 5, lines 25-52); encrypting digital receipt for electronic transaction where a copy of transaction record is stored on a database. The transaction record can be decryptable only by the merchant, or someone with authority of the merchant. Further, the transaction record is decrypted by the merchant computer and the transaction information is extracted. The merchant is able to easily verify the exact time an order was placed and whether or not a particular delivery was late and may offer substantial discounts for late deliveries. Robinson further discloses the step of including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction (allows the customer to choose options such as “Place Order” and **Cancel Order**”. See col. 3, line 67 and col. 4, line 1).

From this teaching of Robinson, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Tognazzini and Francini combination to include the restriction of the access to corresponding role by defined user, at least two of the users having different roles; the access to a plurality of authorized users by the merchant and the step of including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction

as part of a new transaction, and modifying a portion of the transaction, as taught by Robinson, in order to assure that transaction record has not been tampered with to provide flexibility to the users (See e.g., *Robinson* col. 2, lines 66-67).

As per claims 56 and 57, Francini discloses the concept of having the transaction database transmits information (such as transaction record) to the point-of-sale terminal for display at the point-of-sale terminal (via CRT screen col. 7, lines 15-23). From this teaching of Francini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the processing of purchase transactions over the network of Tognazzini to include the display of transaction data in order to facilitate validation of the transaction.

3. Claims 51, 53-55 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (5,739,512), in view of Robinson et al. (5,912,022)

Tognazzini discloses a point of sale terminal (such as a merchant terminal) that generates a transaction record (digital receipt) according to a transaction with a consumer (col. 2, lines 40-46), and a transaction database accessible by a user computer (such as a credit card company computer system that would retain the receipt in a database for re-transmission) that receives and stores the transaction record from the point of sale terminal over a network (col. 2, lines 31-34), wherein the transaction database restrict access by a user to the transaction records corresponding to a role defined for the user (col. 2, lines 34-37; via using an electronic mail address and the

traveler's public encryption key stored in a database). Tognazzini further discloses that the point-of-sale terminal is one of a card reader (via card reader for reading customer cards). The transaction record includes at least one of a price, a product a service, a payment method and an electronically captured signature (as illustrated in Figure 4). Tognazzini, in another embodiment, further discloses that the transaction database stores a plurality of transaction records associated with a plurality of users (via a central computer associated with a plurality of merchant terminals; col. 3, lines 28-38). Further, the role is one of the consumer (via the traveler's public encryption key stored in a database and/or electronic mail address). The transaction database allows the user to search the transaction records relevant to the user (col. 3, lines 15-20).

However, Tognazzini fails to explicitly disclose the transaction record is accessible to a plurality of users and the access including initiating an action using the user computer related to a transaction; restricting the access to corresponding role by defined user, at least two of the users having different; the step of including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction.

Robinson discloses encrypting digital receipt for electronic transaction where a copy of transaction record is stored on a database. The transaction record can be decryptable only by the merchant, or someone with authority of the merchant. Further, the transaction record is decrypted by the merchant computer and the transaction information is extracted. The merchant is able to easily verify the exact time an order

was placed and whether or not a particular delivery was late and may offer substantial discounts for late deliveries; restricting the access to corresponding role by defined user, at least two of the users having different roles (merchant uses its own secret/public-key cryptographic system so that no other party may re-encrypt an altered version of the transaction record. See col. 5, lines 25-52); the step of including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction (allows the customer to choose options such as “Place Order” and Cancel Order”. See col. 3, line 67 and col. 4, line 1).

From this teaching of Robinson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tognazzini to include the access to a plurality of authorized users by the merchant; the restriction to the access to corresponding role by defined user, at least two of the users having different roles; the step of including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction, as taught by Robinson, in order to assure that transaction record has not been tampered with and to provide flexibility to the users (See e.g., *Robinson col. 2, lines 66-67*).

Response to Arguments

4. Applicants' remarks with respect to claims 38-41 and 45-58 have been fully considered and are not persuasive. Applicants argue "the teaching of Robinson is

unrelated to accessing a record". However, in col. 8, lines 38-57, Robinson teaches "in case of a dispute, a customer presenting a digital receipt page to the merchant computer " and "the merchant extracting the transaction data". Furthermore, the Examiner concludes that a dispute (which initiates a transaction) may well involve modifying a portion of the transaction, like offering a substantial discount for late deliveries (see e.g. col. 6, line 60) or for billing issues (see e.g. col. 1, lines 61-67).

Applicants' argue neither Tognazzini, nor Francini nor Robinson disclose wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user". The Examiner respectfully disagrees. In one embodiment, Robinson teaches a service provider operating the merchant's computer in close cooperation with and under the authority of the merchant. It is inherent that the service provider (multiple users – merchant, service provider) will have access to the transaction records (see e.g. col. 7, lines 39-43). The merchant's secret key is a mean for restricting access to the transaction records (see e.g. col. 5, lines 25-52). The combination of Tognazzini, Francini, and Robinson teach Applicants' claimed limitations.

(10) Response to Argument

Group I

The Examiner respectfully disagrees with Appellant's argument that Robinson fails to disclose the step of including one of correcting a transaction, cancelling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction. As stated in the previous Office Actions,

Robinson discloses the limitation in column 3, line 67 and column 4, line 1 by allowing the customer to choose options such as placing and cancelling orders.

Furthermore, Appellant's argument regarding providing access to a plurality of users has been addressed in the last Office Action. See the "Response to Arguments" above.

Group II

In view of the Examiner's response in Group I above, the prior art Robinson anticipates the limitations of the dependent claims. Therefore, the same response to argument applies to the claims of this group.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Luna Champagne

February 27, 2008

Conferees:

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Appeals Practice Specialist